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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,255	02/22/2002	Leslie Beth Herbert	83647RLO	9959

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11/27/2006

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EXAMINER

KANG, ROBERT N

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,255

Applicant(s)

HERBERT, LESLIE BETH

Examiner

Robert N. Kang

Art Unit

2625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Response to Arguments

1. Applicant's arguments filed 9/15/2006 have been fully considered but they are not persuasive. While the examiner concurs that the previous examiner's interpretation of Safai was erroneous, and that Safai does not *expressly* teach the user selecting at a computer a specific task in response to receiving the print control or DPOF file, Examiner asserts that the server or service provider 601 meets the limitations. In a traditional windows printing system, requesting a print operation causes the machine to open a print driver, generally with options that are executable by the printer, such as black and white, color, stapling, etc. etc. Therefore, the driver GUI qualifies as "responding to the print control file to create and display a list of printing tasks selectable by a computer user." The user selection of these options and the eventual verification by clicking "ok" qualifies as "the computer enabling the user to select at least one of the printing tasks from the list." Therefore the limitations are inherently met by Sakai.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim(s) 1-6 and 11-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Safai (U.S. Patent 6,715,003).

Regarding claim(s) 1, 15, and 16, Safai discloses **a method of printing stored digital images transferred from an imaging device, comprising the steps of:**

- a) receiving and storing images from the imaging device having a memory associated with a computer** (col 1, lines 53-64);
- b) receiving at least one print control file from the imaging device which indicates a prior intention for printing particular stored images** (col 3, lines 33-64);
- c) the computer responding to the print control file to create and display a list of printing tasks selectable by a computer user in accordance with the prior intention** (Safai teaches in col 3, lines 33-46 of transmitting address information that defines recipients and characteristics of a digital image; Safai teaches in col 1, line 53 through col 2, line 6 of the traditional method of sending image data to a personal computer to perform functions on the image data and improves on the idea by adapting the functionality of the personal computer directly on the digital camera as cited in col 3, lines 11-16; thus it is broadly interpreted that the system of Safai, adapted to a digital camera, could obviously be adapted on a personal computer and thus broadly reads on applicant's limitation; furthermore claim 6 of Safai states displaying a list of previously defined receiving parties for the digital images);
- d) the computer user selecting at least one of the printing tasks from the list** (claim 6: a selection is made from the list); **and**

e) the computer responding to the user selected printing tasks to initiate the printing of images indicated by the selected tasks (claim 1: images are sent to service provider and printed).

Regarding claim(s) 2, Safai discloses the dependency of claim 1, as stated above, and further teaches **wherein the transferred digital images include corresponding thumbnail images** (Fig 4A).

Regarding claim(s) 3, Safai discloses the dependency of claim 2, as stated above, and further teaches **wherein the displayed list of tasks includes thumbnail images of corresponding digital images** (Fig 4A: each thumbnail image has a displayed list of tasks).

Regarding claim(s) 4 and 17, Safai discloses the dependency of claims 1 and 15, as stated above, and further teaches **further including the step of receiving at least one email control file from the imaging device which indicates a prior intention for emailing particular stored images, and wherein the computer responds to the email control file to create and display a list of email tasks selectable by the computer user** (Figs 4B through Fig 4I and Fig 5: various tasks for an email function are implemented).

Regarding claim(s) 5, Safai discloses the dependency of claim 1, as stated above, and further teaches **further including the step of the user modifying the task prior to step e)** (Fig 3A: additional transport information is received).

Regarding claim(s) 6, Safai discloses the dependency of claim 4, as stated above, and further teaches **further including the step of the user modifying the task prior to step e)** (Fig 3A: additional transport information is received).

Regarding claim(s) 11, Safai discloses a **method of using stored images captured by a digital camera, comprising the steps of: a) using the digital camera to capture digital images and store such captured digital images in a digital memory** (Fig 1 and Fig 2);

b) a user selecting particular digital images and indicating an intention to email such user selected particular digital images (Fig 3A: transport menu; Fig 4D: email address entry);

c) the camera producing an email control file including identifiers corresponding to the user selected particular digital images, and storing such email control files in the digital memory (Fig 4G: the option to send later stores the email control file; Fig 5: the option to store the email file);

d) a computer receiving the email control files from the digital camera;

e) the computer responding to the email control files to create a to do list indicating at least one email task that can be performed at a future time (Safai

teaches in col 3, lines 33-46 of transmitting address information that defines recipients and characteristics of a digital image; Safai teaches in col 1, line 53 through col 2, line 6 of the traditional method of sending image data to a personal computer to perform functions on the image data and improves on the idea by adapting the functionality of the personal computer directly on the digital camera as cited in col 3, lines 11-16; thus it is broadly interpreted that the system of Safai, adapted to a digital camera, could obviously be adapted on a personal computer and thus broadly reads on applicant's limitation; furthermore claim 6 of Safai states displaying a list of previously defined receiving parties for the digital images);

f) the computer displaying the to do list and the computer user selecting one of the email tasks (Fig 4B through Fig 4E); and

g) the computer responding to the user selected email task to initiate the emailing of the selected particular images identified in the email control file (Fig 5: the option to send the email with the images).

Regarding claim(s) 12, Safai discloses the dependency of claim 11, as stated above, and further teaches **wherein the email control files further include an email address where digital images are to be sent (Fig 4D).**

Regarding claim(s) 13, Safai discloses the dependency of claim 11, as stated above, and further teaches **wherein the email control is provided by the camera capturing a first set of digital images and producing a first email control file, the**

computer receiving the first email control file and the first set of digital images from the digital camera, the computer then causing the first email control file and the first set of digital images to be erased from the digital camera, the digital camera subsequently capturing a second set of digital images and producing a second email control file, and the computer receiving the second email control file and the second set of digital images, prior to step f) (Fig 5: the images can be deleted after sending and would be ready for another email control file afterwards).

Regarding claim(s) 14, Safai discloses the dependency of claim 12, as stated above, and further teaches **further including the step of a user modifying the task prior to step g)** (Fig 3A: additional transport information is received).

Regarding claim(s) 18, Safai discloses the dependency of claim 17, as stated above, and further teaches **further including the step of updating the to do list created in step e) so that the to do list includes a second printing task that identifies the images identified in the second print control file** (Fig 12C: the out box stores image descriptions).

Regarding claim(s) 19, Safai discloses the dependency of claim 15, as stated above, and further teaches **wherein step g) further includes modifying the selected printing task to keep from printing least one particular digital image identified in the first print control file** (Fig 5: deleting a picture prevents it from being printed).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

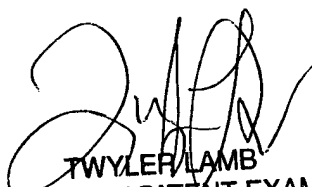
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert N. Kang whose telephone number is 571-272-0593. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert N. Kang



TWYLER LAMB
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